

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DEWEY R. BOZELLA,

Plaintiff,

v.

THE COUNTY OF DUTCHESS,

Defendant.

No. 10 Civ. 4917 (CS)

PLAINTIFF DEWEY R. BOZELLA'S PROPOSED JURY QUESTIONS

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

Peter J. Macdonald
Ross E. Firszenbaum
Shauna K. Friedman
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Tel: (212) 230-8800
Fax: (212) 230-8888

Attorneys for Plaintiff Dewey R. Bozella

Pursuant to the Court's September 23, 2014 Order and its Individual Practices, Plaintiff Dewey R. Bozella respectfully requests that the Court ask the below questions of prospective jurors in this matter, after reading the following proposed brief explanation of the case:

Plaintiff's Proposed Brief Case Explanation:

"This is a civil lawsuit in which the plaintiff, Dewey Bozella, is suing Dutchess County based on the conduct of prosecutors in the Dutchess County District Attorney's Office. Mr. Bozella alleges that he was wrongfully convicted of murder by the District Attorney's Office due to an office policy, custom, or practice that resulted in the violation of his constitutional rights. Mr. Bozella seeks compensation for the 26 years he served in prison following his wrongful conviction, as well as for psychological and emotional harm that he suffered as a result of his wrongful incarceration."

Proposed Jury Questions:

1. What city and county do you currently live in?
 - a. How long have you lived there?
2. Are you married or living with someone?
3. Do you have children?
 - a. If so, what ages are they?
4. What is the highest level of education you have attained?
5. If you are employed or self-employed, what is your job?
 - a. What is the job, if any, of any adults living in your household?

6. If you are unemployed, please tell us about your prior work and job responsibilities.
7. Have you or anyone in your family experienced a recent job loss, or do you (or does anyone in your family) expect to be laid off in the near future?
8. What clubs, organizations, or volunteer groups do you belong to or support?
 - a. Have you ever belonged to any crime control organization, such as “crime stoppers” or the neighborhood watch?
 - b. Do you belong to any group that takes a position on legal issues? If so, please tell us the group and explain the legal issue and the group’s position.
9. What do you like to do in your spare time?
 - a. What are your hobbies and interests?
10. What newspapers or news magazines do you subscribe to or read on a regular basis?
11. What television shows do you regularly watch?
12. What internet websites, social networks, or blogs do you subscribe to, visit often, or participate in?
13. Do you have any experience in a civil or criminal legal proceeding, either as a juror, a grand juror, a party, a witness, or a consultant?
 - a. If you have served as a juror, was the matter criminal or civil?
 - b. Without revealing the verdict, did the jury reach a verdict at all?
 - c. If so, would that experience affect your ability to be fair and impartial in this case?
14. Have you or any close family or friends ever been in trouble with the law?
 - a. Have you or any close family or friends ever been to prison or on probation?
15. Have you or any close family or friends ever been the victim of a violent crime?

16. Have you or any close family or friends ever worked in or applied for a job in law enforcement (state or federal), including as a special agent, police officer, corrections officer, prosecutor, or other position in law enforcement?
17. Have you or any close family or friends ever worked in private security, including as a security guard or private investigator?
18. Have you or any close family or friends ever been in the armed services?
19. Are you likely to give more weight to the testimony of a police officer or prosecutor?
20. Do you believe that if a person is charged with a crime, it is likely that they committed the crime?
 - a. Why or why not?
21. Do you believe that if a person is convicted of a crime, then they committed the crime?
 - a. Why or why not?
22. Do you believe that sometimes innocent people are convicted of crimes they did not commit?
23. Which do you think is worse: convicting an innocent person or letting a guilty person go free?
24. Do you think it is possible that law enforcement officers would hide the truth when it comes to their testimony in court?
25. Do you think law enforcement officers would try to prevent a defendant from having evidence that might help the defense, in order to assure a conviction?
26. Do you think it is more important for law enforcement to seek the truth or to convict a defendant?

27. Do you think that African-American men are more likely to commit crimes than white men?

28. Do you believe that law enforcement agencies should not be sued?

a. Why or why not?

29. Do you have any reservations about awarding damages against a local law enforcement agency?

30. Assuming someone has been injured, which do you think is worse: to award too little money, or too much money?

31. Do you agree that if a person has overcome past injuries, that person deserves less compensation for such injuries?

32. Do you recognize any of the following names?

- William V. Grady
- Bridget Rahilly Steller
- William J. O'Neill
- Edward Whitesell
- Heather Ryan
- Frank Chase
- Thomas Dolan
- Andrew P. Levin
- Thomas Whalen
- Albert Rosenblatt
- Jeremy Scileppi
- Peter Forman
- James Kelley
- Marjorie Smith
- Matthew Weishaupt
- Jackie Richardson
- Theodore Alston
- Judith Hillery
- William Grey
- Donald Wise
- Anthony Wise

a. If so, what do you know about each person you recognize?

33. Do you have a medical reason or personal hardship that would make it difficult to serve as a juror in this case?

34. Do you have difficulty reading, hearing, or understanding the English language?

35. Do you know of any reason why you might be prejudiced for or against the plaintiff or defendant because of the nature of the case, or otherwise?

a. If the plaintiff proves his case, do you have any reason not to award a large verdict against the defendant in this case?

36. Do you know of any reason that may affect your ability to be a fair and impartial juror in this case?

Dated: December 10, 2014

Respectfully submitted,

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

/s/ Peter J. Macdonald

Peter J. Macdonald

Ross E. Firsenbaum

Shauna K. Friedman

7 World Trade Center

250 Greenwich Street

New York, New York 10007

Telephone: (212) 230-8800

Facsimile: (212) 230-8888

Attorneys for Plaintiff Dewey R. Bozella